

REMARKS

Claims 3, 6, 8, 11, and 12 have been cancelled. Claims 1, 2, 4-5, 7, 9, 13-15, 20-25, and 28-30 have been amended to clarify the subject matter regarded as the invention. New claims 31-35 have been added. Claims 1-2, 4-5, 7, 9-10, and 13-35 are pending.

The Examiner has rejected Claims 1-16 and 20-30 under 35 U.S.C. §102(e) as being anticipated by Merel (6,006,194), and Claims 17-19 under 35 U.S.C. §103(a) as being unpatentable over Merel in view of Shoham (6,285,989). The rejection is respectfully traversed.

As amended, Claim 1 recites “designating one or more bidders in the first set of bidders as winners of the first auction,” “designating one or more bidders in the second auction as winners of the second auction,” and that “if the first auction is a forward auction, that which is auctioned in the first and second auctions represents a first portion and a second portion, respectively, of what a seller seeks to sell,” and that “if the first auction is a reverse auction, that which is auctioned in the first and second auctions represents a first portion and a second portion, respectively, of what a buyer seeks to buy.” Merel discloses:

“As discussed below, the bidding ends when the rankings of the preferences of the society's various auctions have not changed for three successive bidding rounds during end of term bidding. Then, a new term is declared, with the leading preferences of the various auctions of the prior term having effect in the new term.” [10:2-8]

where the preferences are each “representing a result.” Merel does not teach or imply the limitations of Claim 1, nor does Shoham. Therefore, Claim 1 is believed to be allowable.

Claims 2, 4-5, 7, 9-10, 13-14, and 21-24 depend from Claim 1 and are believed to be allowable for the same reasons described above.

As with Claim 1, independent Claims 15, 25, 28, and 29 recite “wherein if the first auction is a forward auction, that which is auctioned in the first and second auctions represents a first portion and a second portion, respectively, of what a seller seeks to sell; and wherein if the first auction is a reverse auction, that which is auctioned in the first and second auctions

represents a first portion and a second portion, respectively, of what a buyer seeks to buy" and are believed to be allowable for the same reasons described above.

Claims 16-20 depend from Claim 15, Claims 26-27 and new Claims 31-35 depend from Claim 25, and Claim 30 depends from Claim 29, and are believed to be allowable for the same reasons described above.

The foregoing amendments are not to be taken as an admission of unpatentability of any of the claims prior to the amendments.

Reconsideration of the application and allowance of all claims are respectfully requested based on the preceding remarks. If at any time the Examiner believes that an interview would be helpful, please contact the undersigned.

Respectfully submitted,

Dated: 10/29/07



Robyn Wagner
Registration No. 50,575
V 408-973-2596
F 408-973-2595

VAN PELT, YI & JAMES LLP
10050 N. Foothill Blvd., Suite 200
Cupertino, CA 95014